

REMARKS

Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims as being anticipated by Drasler '267. The Examiner refers to Fig 44 of Drasler which shows a rotating assembly that includes an ultrasound transducer and a moving jet nozzle. The construction and operation of which is described in Col. 11 of Drasler.

The independent claims presented with this amendment require a fixed non-rotating relationship between the "aperture" and the control body. Kindly reconsider the amended claim.

Rejection under 35 U.S.C. §103

The Examiner has rejected claims as being unpatentable over Drasler '267 in view of Ruggio '450. Drasler shows an integrated exhaust lumen and fluid supply lumen. In Drasler there is no need to exhaust through a guide catheter. Ruggio shows both exhaust and injection through the same lumen at different times with the distal tip outside of the sheath lumen. Applicants claim 24 calls for retrograde wall attached flow recovered into a sheath lumen. With the distal tip within the sheath lumen. These structures are absent from the applied references and there combination.

Kindly reconsider the double patenting rejection in light of the amendments to the claims.


CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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